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10 *Attorneys for Defendants Bank of America,  
11 N.A.; Mortgage Electronic Registration  
12 Systems, Inc.; and Merscorp Holdings, Inc.*

The Honorable Benjamin H. Settle

10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON AT TACOMA

12 JEREMY WOLFSON,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA, NATIONAL  
16 ASSOCIATION, its successors in interest  
and/or Assigns; MTC FINANCIAL INC. d/b/a  
17 TRUSTEE CORPS; MORTGAGE  
18 ELECTRONIC REGISTRATION SYSTEMS  
19 INC; MERSCORP HOLDINGS, INC.;  
20 MAROON HOLDING, LLC;  
21 INTERCONTINENTAL EXCHANGE, INC.;  
22 FIRST MAGNUS FINANCIAL  
23 CORPORATION, AN ARIZONA  
CORPORATION  
Does # 1-10, inclusive,

24 Defendants.

Case No. 3:17-cv-06064-BHS

**DECLARATION OF DANIEL J.  
GIBBONS IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

26 I Daniel J. Gibbons, declare and state as follows:  
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28 DECLARATION IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS-1  
Case No.: 3:17-cv-06064-BHS  
(S1724092; 1 )



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Attorneys & Counselors

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1       1. I am an attorney for the law firm of Witherspoon Kelley, counsel of record for  
2 Bank of America, N.A. (“BANA”), Mortgage Electronic Registration Systems, Inc. (“MERS”)  
3 and MERSCORP Holdings, Inc. (“MERSCORP” and collectively, the “Defendants”) in this  
4 matter. I am over the age of eighteen (18), am competent to testify, and have personal  
5 knowledge of the matters set forth in this Declaration. I make this Declaration in support of  
6 Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint.

7       2. Attached hereto as **Exhibit A** is a true and correct copy of the Deed of Trust  
8 recorded on April 27, 2007 under Pierce County Recorder's Office No. 200704271001 securing  
9 the Note and encumbering the real property located at 16208 132nd Avenue East, Puyallup,  
10 Washington 98374.

11       3. Attached hereto as **Exhibit B** is a true and correct copy of the Assignment  
12 of Deed of Trust from MERS that assigned the Deed of Trust to Bank of America  
13 recorded on June 25, 2013 under Pierce County Recorder's Office No. 201306250227.

14       4. Attached hereto as **Exhibit C** is a true and correct copy of the Quit Claim Deed  
15 recorded on November 20, 2013 under Pierce County Recorder's Office No. 201311200452.

16       5. Attached hereto as **Exhibit D** is a true and correct copy of the Notice of  
17 Trustee's Sale recorded on March 30, 2017 under Pierce County Recorder's Office No.  
18 201703300242.

19       6. Attached hereto as **Exhibit E** is a true and correct copy of the bankruptcy docket  
20 from the case of *In Re Jeremy Wolfson*, U.S. Bankruptcy Court, Western District of Washington  
21 Case No. 17-42973-BDL-13.

22       7. Attached hereto as **Exhibit F** is a true and correct copy of the adversary docket  
23 from the case of *Wolfson vs. Bank of America, et al*, U.S. Bankruptcy Court, Western District  
24 of Washington Case No. 17-04081-BDL.

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DECLARATION IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS- 2  
Case No.: 3:17-cv-06064-BHS  
(S1724092; 1 )

 **WITHERSPOON•KELLEY**  
Attorneys & Counselors

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I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

Respectfully submitted this 9th day of July, 2018.

5 WITHERSPOON • KELLEY

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7

8 Daniel J. Gibbons, WSBA # 33036  
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12 Phone: 509-624-5265  
13 Fax: 509-458-2728  
14 *Attorneys for Defendants Bank of America, N.A.,*  
15 *Mortgage Electronic Registration Systems, Inc.; and*  
16 *Merscorp Holdings, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 2018,

1. I caused to be electronically filed the foregoing DECLARATION OF DANIEL J. GIBBONS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**Jeremy Wolfson:** [jerwolfson@gmail.com](mailto:jerwolfson@gmail.com)  
**Michael S. DeLeo:** [mdeleo@prklaw.com](mailto:mdeleo@prklaw.com)  
**Fred B. Burnside:** [fredburnside@dwt.com](mailto:fredburnside@dwt.com)  
**Frederick A Haist:** [frederickhaist@dwt.com](mailto:frederickhaist@dwt.com)

2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the address listed: **None**.

3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None**.

4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None**.

s/Daniel J. Gibbons  
Daniel J. Gibbons, WSBA # 33036  
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